

4.1.2022_SF1N_FY20-FY22_State of Alaska Judgments and Settlements

Fiscal Year	#	Payee	Case Name	Brief Matter Description	Case #	ProLaw Number (Notes)	Opened Date	Status	Status Date	Department Costs	Contract Costs	Judgment/Settlement Amount	Total Interest (If applicable)	To Be Paid
FY2020	1	Ross, Miner & Bird in Trust for J. Mungle	Mungle v. DCCED, Division of Insurance	Settlement Agreement resolving wrongful termination claims by Jeanne Vogt (formerly, Mungle) - she served as deputy director of the Division of Insurance in DCCED. Employer determined a conflict of interest required termination. The settlement agreement is not an admission of State liability.	3AN-18-05037 CI	2018101062; AN2016101177	4/8/2016	Closed	3/5/2020	\$ 164,896.63	\$ -	\$ 131,700.00	\$ -	\$ 131,700.00
FY2020	2	Knutson & Associates in Trust for J. Carter	Jason Carter v. DOTPF	Mr. Carter was severely injured in a motor vehicle accident on the Seward Highway due to a rockslide, and his injuries required a lengthy hospitalization. His representatives alleged that DOT negligently caused the injuries and the parties settled prior to any lawsuit being filed.	(none; resolved pre-suit)	2019100546	2/8/2019	Closed	7/22/2020	\$ 32,316.96	\$ -	\$ 4,950,000.00	\$ -	\$ 4,950,000.00
FY2020	3a		AK Superior Court order - attorney fees, costs	Planned Parenthood of the Great Northwest challenged a statute and regulation as unconstitutional that require state-funded abortions to be "medically necessary" as defined in that statute. The superior court held that both measures violated the equal protection clause of the Alaska Constitution.	3AN-14-04711 CI	JU2014200087	1/30/2014	Closed	1/28/2020	\$ 413,727.24	\$ -	\$ 684,253.31	\$ 10,137.26	\$ 694,390.57
FY2020	3b		AK Supreme Court order - attorney fees, costs	AK Supreme Court affirmed Superior Court decision and held unconstitutional the statute and regulation that permits state payment for only medically necessary abortions because the laws were not narrowly tailored to meet the ends of preserving Medicaid funds, and the State had not shown that the differences between the affected classes justify the discriminatory treatment imposed by the statute and regulation.	S-16123	AN2015104028	11/3/2015	Closed	3/26/2020	\$ 132,194.79	\$ -	\$ 100,921.87	\$ 4,014.75	\$ 104,936.62
FY2020	4	Choate Law Firm LLC in Trust for the Estate of Joseph Murphy	Estate of Joseph Murphy v. SOA, Department of Corrections, et al.	The estate of Joseph Murphy brought a wrongful death complaint against the Department of Corrections, an individually named correctional officer, Juneau Emergency Medical Associates, and Bartlett Regional Hospital, following a REDACTED - HIPAA that occurred while Mr. Murphy was in custody at Lemon Creek Correctional Center. The parties engaged in mediation and agreed to settle without admission of liability.	1:17-cv-00010-JWS	JU2017200572; JU2017200532; AN2017102645; JU2016200942	11/8/2016	Closed	12/1/2020	\$ 222,655.75	\$ -	\$ 450,000.00	\$ 7,055.14	\$ 457,055.14
FY2020	5	Law Office of Joshua Fannon in Trust for Shawna Robb	Shawna Robb v. SOA, et al.	The State settled with Ms. Robb who filed a civil complaint that named the Departments of Law and Public Safety as defendants. Her claims included failure to timely notify her as the named victim in a sexual assault case when the defendant had escaped from house arrest.	3PA-17-02721 CI	2018101297; 2018100131	1/12/2018	Closed	9/18/2020	\$ 181,755.04	\$ -	\$ 500,000.00	\$ -	\$ 500,000.00
FY2020	6	Trustees for Alaska	Stand for Salmon v. Meyer and Division of Elections	The Lieutenant Governor did not certify the Stand for Salmon ballot initiative because it would unconstitutionally appropriate certain of the state's anadromous waters. The Superior Court ruled that the initiative could go to the ballot once the unconstitutional portions were removed.	3AN-17-09183 CI	JU2017200628; JU2017200457; JU2017200303	5/16/2017	Closed	9/14/2020	\$ 75,904.90	\$ -	\$ 112,854.82	\$ 1,460.93	\$ 114,315.75
FY2020	7	Trustees for Alaska in trust for Chuitna Citizens Coalition	Chuitna Citizens Coalition and Cook Inletkeeper v. DNR and Commissioner Corni Feige	Plaintiffs alleged five claims for relief. Three counts alleged violations of the Alaska Constitution and statute, one count alleged violation of the Alaska Water Use Act, and one count alleged violation of the Alaska Administrative Procedures Act. Plaintiffs asked the court to declare DNR's entire administration and permitting of temporary water uses where there was a pending application for an instream flow reservation unconstitutional and invalid, and to order DNR to begin adjudicating its applications for instream flow reservations. The Court found that DNRs process was constitutional but the delay in processing applications violated due process.	3AN-11-12094 CI	AN2011103754; AN2010105144; 2018101946; 2018103665; FB2015300129; 2019100690; AN2016103841	2/9/2010	Closed	5/25/2021	\$ 263,693.83	\$ -	\$ 71,500.00	\$ -	\$ 71,500.00
FY2020	8	Darryl L. Thompson, P.C.	John Doe v. SOA, DPS	The Supreme Court held ASORA's registration requirements can constitutionally be applied to out-of-state sex offenders. It also held that ASORA violates due process, but its defect may be cured by providing a procedure for offenders to establish their non-dangerousness.	S-16748	Criminal Matter (John Novak) No ProLaw #				\$ -	\$ -	\$ 11,812.50	\$ -	\$ 11,812.50
FY2020 Total J&S:														\$ 7,035,710.58

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FY2021	1	Holmes Weddle & Barcott, P.C.	Alaskans for Better Elections v. Meyer	Lt. Governor refused to certify Alasa's Better Elections Initiative 19AKBE with the explanation that it violated the single-subject rule of Article II, Section 13 of the Alaska Constitution and AS 15.45.040. The sponsors sued, and the Superior Court determined that the petition did not violate the single-subject rule and could go to the ballot.	3AN-19-09704 CI	2019200705; 2019200578	7/8/2019	Open	9/19/2019	\$ 48,408.72	\$ -	\$ 43,064.16	\$ 4,127.08	\$ 47,191.24
FY2021	2	Manley and Brautigam, P.C.	BP Exploration (Alaska) Inc. v. State of Alaska	BP sued to compel arbitration on oil and gas royalty audit disputes. The Superior Court determined under AS 09.43.010 a valid agreement to arbitrate existed in the 1991 Royalty Settlement Agreement between the parties. The Superior Court ordered the State to arbitrate on transportation costs. BP sought an attorneys' fee award of 30% fees. The State was successful at keeping the award to 20% and eliminating some of the fees claimed.	3AN-18-09771 CI	2018103955; 2018103403	9/5/2018	Closed	9/21/2020	\$ 817,557.85	\$ 42,133.08	\$ 29,319.45	\$ 2,892.99	\$ 32,212.44
FY2021	3a	ConocoPhillips Alaska, Inc.	ConocoPhillips et al. v. SOA, DNR (consolidated)	Conoco appealed a DNR Commissioner decision on the application of a 2014 regulation, 11 AAC 83.235, to net profit share leases pre-existing the regulation in the determination of volume allocations and the applicable interest rate and date. The Superior Court reversed the Commissioner's decision. The Superior Court found the application of the regulation to be impermissibly retroactive in violation of the Contracts Clause of the US and Alaska Constitutions.	3AN-18-05628 CI	2018101315; 2018100643; 2020102817	4/12/2018	Closed	7/24/2020	\$ 154,118.68	\$ -	\$ 51,834.60	\$ 3,191.02	\$ 55,025.62
FY2021	3b	Anadarko Petroleum Corp.	ConocoPhillips et al. v. SOA, DNR (consolidated)	Anadarko appealed a DNR Commissioner decision on the application of a 2014 regulation, 11 AAC 83.235, to net profit share leases pre-existing the regulation in the determination of volume allocations and the applicable interest rate and date. The Superior Court reversed the Commissioner's decision. The Superior Court found the application of the regulation to be impermissibly retroactive in violation of the Contracts Clause of the US and Alaska Constitutions. The State was successful at obtaining a \$2,000 reduction in attorneys fees awarded to Anadarko.	3AN-18-05628 CI	2018100648; 2018101312	2/26/2018	Closed	7/24/2020	\$ 6,508.69	\$ -	\$ 32,209.88	\$ 1,982.89	\$ 34,192.77
FY2021	4	Holmes Weddle & Barcott, P.C. Trust Account	Recall Dunleavy v. SOA, DOE	Recall Dunleavy sponsors filed a complaint against the Lt. Governor and Division of Elections for refusing to certify recall petition on grounds that the petition did not sufficiently allege legal grounds for recall. The Supreme Court determined legal grounds were sufficiently alleged.	3AN-19-10903 CI	2019104301; 2019200686	8/29/2019	Closed	8/17/2021	\$ 146,687.01	\$ -	\$ 190,006.49	\$ 7,624.99	\$ 197,631.48
FY2021	5	Brena, Bell & Walker	Vote Yes for Alaska's Fair Share v. Meyer	Vote Yes sponsors filed a complaint against the Lt. Governor and Division of Elections for adding a clarifying sentence to the initiative's ballot summary regarding public records that the sponsors claimed undermined the purpose of the initiative. The Superior Court decided in favor of the Sponsors. The Supreme Court permitted the LGs clarifying sentence in part.	3AN-19-11106 CI	2019200671; 2019200827; 2020102310	8/19/2019	Closed	8/6/2021	\$ 71,428.55	\$ -	\$ 75,176.53	\$ 2,941.15	\$ 78,117.68
FY2021	6	Vote Yes for Alaska's Fair Share c/o Brena, Bell & Walker, P.C. re: Case S-17818	Meyer v. Vote Yes for Alaska's Fair Share		S-17629	2019104233; 2019200705; 2019200578; 2019200730; 2020102326	9/9/2019	Closed	10/28/2020	\$ 138,335.10		\$ 44,831.55	\$ 941.46	\$ 45,773.01
FY2021	7	Schwabe Williamson & Wyatt, P.C.	The Alaska Landmine LLC et al. v. Dunleavy et al.	Jeff Landfield of the Alaska Landmine blog filed a complaint with the Superior Court claiming he was not invited to the Governor's press briefings or treated in a similar manner as other press conference attendees. The case was removed to federal court. Parties settled, agreeing that Landfield would be invited to Gubernatorial press conferences and treated similarly as other attendees. The State would also cover Landfield's attorney fees.	3:20-cv-00311-JMK	2020200727; 2020200724	12/21/2020	Closed	6/28/2021	\$ 54,329.57	\$ -	\$ 65,000.00	\$ 769.76	\$ 65,769.76
FY2021	8a	Northern Justice Project LLC	Komet Being et al. v. Adam Crum et al. - Settlements	Class action lawsuit filed against DHSS claiming regulations improperly categorically deny REDACTED - HIPAA Settlement was contingent on eliminating the regulatory exclusions for treatment for REDACTED - HIPAA .	3:19-cv-00060-HRH	2019200220	3/11/2019	Open	3/11/2019	\$ 55,209.38	\$ -	\$ 180,000.00	\$ 75.45	\$ 180,075.45
FY2021	8b	Northern Justice Project LLC	Komet Being et al. v. Adam Crum et al. - Attorney Fees			2019200220	Same As Above					\$ 75,000.00	\$ 31.44	\$ 75,031.44
FY2021	9	Disability Law Center of Alaska	Doe v. SOA; Disability Law Center of Alaska v. SOA, DHSS	The superior court held evidentiary hearings concerning three consolidated cases and found that many Title 47 respondents with evaluation orders were waiting for admission to API for a time that exceeded due process protections, particularly for those waiting in jail, and the statutory command for DHSS to transport respondents to API. The court ordered DHSS to take steps to fix the problem, and specifically ordered that increasing bed capacity at API was not a sufficient response. DHSS settled the case with a multi-part settlement plan, including reporting, training, and services; and the duties under the plan continue.	REDACTED	2019104227	10/30/2019	Closed	7/21/2021	\$ 3,552.38	\$ -	\$ 75,720.00	\$ -	\$ 75,720.00
FY2021	10a	Alaskans for Better Elections c/o Holmes Weddle & Barcott re: Case S-17629	Meyer v. Alaskans for Better Elections - Attorney Fees		S-17818	2020102310; 2019200827	11/19/2019	Closed	8/6/2021	\$ 62,277.01	\$ -	\$ 45,601.00	\$ 2,439.97	\$ 48,040.97
FY2021	10b	Alaskans for Better Elections c/o Holmes Weddle & Barcott re: Case S-17630	Meyer v. Alaskans for Better Elections - Costs			2020102310; 2019200827; 2019200671	Same As Above					\$ 50.40	\$ 2.69	\$ 53.09
FY2021	11	Sara Bloom in Trust for Toni Prins and Alexander Prins II	Prins v. SOA, DHSS-DJJ	Mr. and Mrs. Prins filed a complaint against Mrs. Prins' employer, DJJ, claiming sexual harassment by Mrs. Prins' supervisor, and Mr. Prins' loss of consortium. Parties settled and stipulated to dismissal of claims with prejudice.	3:19-cv-296-JWS	2019104601	12/3/2019	Closed	1/12/2022	\$ 133,276.61		\$ 500,000.00	\$ -	\$ 500,000.00
FY2021	12a	Croft Law Office	Fletcher v. SOA - Expenses	Ms. Fletcher brought complaint in Superior Court claiming that Title VII prohibited sex discrimination related to REDACTED - HIPAA in a state employer provided health plan. The State reserved its right to appeal the superior court's earlier decision denying its motion for summary judgment.	1:18-cv-00007-HRH	2018200582; JU2017200510; JU2016200455	5/26/2016	Closed	10/21/2020	\$ 292,490.94	\$ -	\$ 10,440.00	\$ -	\$ 10,440.00
FY2021	12b	Lambda Legal Defense and Education Fund, Inc.	Fletcher v. SOA - Attorney Fees, Expenses, Costs				Same As Above					\$ 157,358.76	\$ -	\$ 157,358.76

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FY2021	13	ACLU of AK Foundation, c/o Susan Orlansky	Austin Ahmasuk v. SOA, DCCED-DBS	Mr. Ahmasuk appealed to Superior Court the Division of Banking and Securities decision that he had violated regulations by failing to file with the Division Administrator required disclosures along with his letter to a newspaper that the Division found amounted to a proxy solicitation. The Supreme Court ultimately reversed the agency decision imposing sanctions for alleged violations of state securities law, and directed the lower court to dismiss the Division's complaint against Mr. Ahmasuk.	3AN-18-06035 CI	2018101338; 2019103095; AN2017101098; 2019101268	4/14/2017	Open	8/13/2019	\$ 78,391.00	\$ -	\$ 7,051.00	\$ 92.29	\$ 7,143.29
FY2021	14	Keren Lowell, c/o Stephen Koteff at ACLU AK	Keren Lowell, ACLU demand letter	Ms. Lowell's employment was terminated at the Alaska State Council of the Arts. ACLU submitted a demand letter alleging wrongful termination. The parties negotiated a settlement, dismissing claims with prejudice.	(none, settled pre-suit)	2019104855	12/20/2019	Open	1/29/2020	\$ 27,382.60	\$ -	\$ 85,000.00	\$ -	\$ 85,000.00
FY2021	15	Reeves Amodio LLC	Parker v. Dunleavy, et al.	Ms. Parker, an OPA attorney, along with other at-will employees, was requested to submit a resignation letter by Nov 30, 2018. She filed a wrongful termination complaint. The parties settled all claims, and agreed that Ms. Parker is eligible for rehire by the state.	3AN-19-10464 CI	2019104271	11/4/2019	Open	11/4/2019	\$ 213,859.67	\$ 50,000.00	\$ 75,000.00	\$ 547.60	\$ 75,547.60
FY2021	16a	Law Office of Joseph Geldof	Forrer v. SOA - Attorney Fees	Mr. Forrer challenged the constitutionality of the public corporation and its powers established by HB 331 (2020) which was to issue and sell bonds, using those proceeds to purchase tax credits at a discount, and then repaying bondholders via a predictable schedule of future legislative appropriations. The Supreme Court held that HB 331 violated the limitation placed on contracting debt under article IX, section 8 of the Alaska Constitution.	S-17377	2019200213; 2018200477	5/15/2018	Closed	1/5/2022	\$ 158,422.35	\$ -	\$ 104,250.00	\$ 1,475.92	\$ 105,725.92
FY2021	16b		Forrer v. SOA - Costs				Same As Above					\$ 1,323.51	\$ 15.56	\$ 1,339.07
FY2021	16c		Forrer v. SOA - Additional Attorney Fees				Same As Above					\$ 20,000.00	\$ 233.29	\$ 20,233.29
FY2021 Total J&S:														\$ 1,897,622.88

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FY2022*	1	Holmes, Weddle & Barcott, PC Trust Account	SOA-DOE v. Recall Dunleavy	Recall Dunleavy sponsors filed a complaint against the Lt. Governor and Division of Elections for refusing to certify recall petition on grounds that the petition did not sufficiently allege legal grounds for recall. The Supreme Court determined legal grounds were sufficiently alleged.	3AN-19-10903CI; S-17706	2019104301; 2020100158	11/5/2019	Closed	8/17/2021	\$ 98,239.58	\$ -	\$ 139,374.72	\$ 4,194.61	\$ 143,569.33
FY2022*	2	American Civil Liberties Union of Alaska Foundation	ACLU et al. v. Dunleavy	ACLU brought lawsuit against Dunleavy administration for restoration of funds to the Court System in the amount that the Governor's line-item veto reduced the Court System's budget.	3AN-19-08349 CI	2019200600	7/18/2019	Open	7/18/2019	\$ 88,891.17	\$ -	\$ 86,811.32	\$ 2,519.91	\$ 89,331.23
FY2022*	3a	American Civil Liberties Union of Alaska, c/o Stephen Koteff	Arctic Village Council et al. v. Meyer et al.; State v. Arctic Village Council et al. - Superior, Attorney Fees	ACLU brought lawsuit against Lieutenant Governor and Division of Elections, seeking to waive a provision of state law for the November 2020 general election that required voters who submit a mail-in absentee ballot to have a witness sign their ballot return envelope. The Superior Court vacated the witness requirement for the November 2020 general election as an unconstitutional burden on the right to vote.	3AN-20-07858CI; S-17902	2020103226	9/8/2020	Open	9/9/2020	\$ 75,360.77	\$ -	\$ 121,116.75	\$ 2,750.01	\$ 123,866.76
FY2022*	3b	American Civil Liberties Union of Alaska, c/o Stephen Koteff	Arctic Village Council et al. v. Meyer et al.; State v. Arctic Village Council et al. - Superior, Costs				Same As Above					\$ 441.17	\$ 10.02	\$ 451.19
FY2022*	3c	American Civil Liberties Union of Alaska, c/o Stephen Koteff	Arctic Village Council et al. v. Meyer et al.; State v. Arctic Village Council et al. - Supreme, Attorney Fees				Same As Above					\$ 57,000.00	\$ 1,294.21	\$ 58,294.21
FY2022*	4a	American Civil Liberties Union of Alaska, c/o Stephen Koteff	Blanford v. Dunleavy - Blanford	API psychiatrists, Mr. Blanford and Mr. Belville, along with other at-will employees of the State, were requested to submit resignation letters by Nov 30, 2018. The psychiatrists filed a wrongful termination complaint, naming the State as a defendant, along with the Governor and his chief of staff. Defendants removed the case to the federal court. The parties settled all claims prior to determining damages, and defendants agreed to dismiss appeal.	3:19-CV-00036-JWS	2019100697	2/21/2019	Open	2/21/2019	\$ 1,213.78	\$ 237,462.82	\$ 220,000.00	\$ -	\$ 220,000.00
FY2022*	4b	American Civil Liberties Union of Alaska, c/o Stephen Koteff	Blanford v. Dunleavy - Bellville				Same As Above					\$ 275,000.00	\$ -	\$ 275,000.00
FY2022*	5a	Joseph Geldhof	Eric Forrer v. SOA - Superior Court Remand, Attorney Fees	Mr. Forrer challenged the constitutionality of the public corporation and its powers established by HB 331 (2020) which was to issue and sell bonds, using those proceeds to purchase tax credits at a discount, and then repaying bondholders via a predictable schedule of future legislative appropriations. The Supreme Court held that HB 331 violated the limitation placed on contracting debt under article IX, section 8 of the Alaska Constitution.	1JU-18-00699CI	2018200477; 2019200213	5/15/2018	Open	5/15/2018	\$ 158,422.35	\$ -	\$ 151,693.00	\$ 5,510.82	\$ 157,203.82
FY2022*	5b	Joseph Geldhof	Eric Forrer v. SOA - Superior Court Remand, Costs				Same As Above					\$ 468.32	\$ 17.01	\$ 485.33
FY2022*	6a	Darryl Thompson	John Doe v. SOA, DPS - Superior, Attorney Fees	The Supreme Court held ASORA's registration requirements can constitutionally be applied to out-of-state sex offenders. It also held that ASORA violates due process, but its defect may be cured by providing a procedure for offenders to establish their nondangerousness.	3AN-16-05027CI; S-16748	Criminal Matter (John Novak) No ProLaw #						\$ 39,579.30	\$ -	\$ 39,579.30
FY2022*	6b	Darryl Thompson	John Doe v. SOA, DPS - Superior, Costs									\$ 578.48	\$ -	\$ 578.48
FY2022*	6c	Darryl Thompson	John Doe v. SOA, DPS - Supreme, Costs									\$ 1,141.90	\$ -	\$ 1,141.90
FY2022 Total J&S:													\$	1,109,501.55

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FY2022	1		Alaska State Legislature v. Dunleavy, et al	This case required the court to determine whether the Governor has a constitutional duty to execute funding appropriations passed by a prior legislature and signed into law by a prior governor, despite delayed effective dates that made the appropriations effective two years later. The Court held that, in this case, the appropriations were for a public purpose, they authorized expenditure without further appropriation, and they did not directly violate the prohibition on dedication or earmarking a particular revenue source.	1JU-19-00753 CI	2019101955	5/17/2019	Open	5/17/2019	\$ 76,470.30	\$ -			
FY2022	2		Power Cost Equalization Litigation, AFN (v. State)	Plaintiffs brought this lawsuit challenging OMB's decision to include the Power Cost Equalization Endowment Fund on the list of funds subject to sweep under the provisions of article IX, section 1(d) of the AK Constitution. The Superior Court found that because the Power Cost Equalization Endowment Fund is not in the general fund, it is not subject to the sweep provision.	3AN-21-06737 CI	2021102823	7/19/2021	Open	7/19/2021	\$ 49,685.33	\$ -			